

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

MICHAEL CLAUER and  
MAFLORENCE CLAUER

vs.

HERITAGE LAKES HOMEOWNERS  
ASSOCIATION, INC., MARK C. DISANTI,  
STEEPLECHASE PRODUCTIONS, L.L.C.,  
JAD I. ABOUL-JIBIN

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Case No. 4:09-cv-560  
(Judge Schneider/Judge Mazzant)

## **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**


Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On June 15, 2010, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Third-Party Defendant Vinay B. Patel's Second Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim be denied.

The Court, having made a *de novo* review of the objections raised by Third-Party Defendant, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is, therefore, **ORDERED** that Third-Party Defendant Vinay B. Patel's Second Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim (Dkt. #43) is **DENIED**.

**IT IS SO ORDERED.**

**SIGNED this 30th day of June, 2010.**

  
MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE